

FAMILY CHILD CARE HOME LICENSING BASICS



"L" is for
"license"
in the
vocabulary
of family
home child care. Family child
care homes need a license in
order to open.



Family Child Care Home Licensing Basics

Chapters

Chapter 1 :

Definitions
(WAC 388-155-010)

Chapter 2 :

*Who Needs a License, and
Who Does the Licensing?*
Scope of Licensing
(WAC 388-155-020)
*Local Ordinances and
Codes*
(WAC 388-155-040)
Dual Licensure
(WAC 388-155-060)

Chapter 3 :

*Application and Reappli-
cation for a License*
(WAC 388-155-070)
Issuance of License
(WAC 388-155-080)

Chapter 4 :

*License Denial, Suspen-
sion, or Revocation*
(WAC 388-155-090)

Regulations, best practices, and helpful hints **Licensing**

Chapter 1. WAC 388-155-010

Definitions

This chapter contains definitions to help you understand and interpret key terms used in the WAC or in this guidebook. Please take the time to read these definitions carefully before reading other parts of the guidebook.

Developmentally Appropriate Practices, Best Practices

Developmentally Appropriate Practices means the practices recommended by the National Association for the Education of Young Children (NAEYC). NAEYC provides a two-part description of developmentally appropriate practices which the WAC and the guidebook use repeatedly. Developmentally appropriate practice is both age appropriate and individually appropriate.

Age appropriate. All children grow and change. The ways you interact with children when they are two may not be appropriate when they are four. A working knowledge of child development helps you respond to children's needs at their present stage of development. In other words, you expect different behaviors from toddlers than from preschoolers.

Individually appropriate. Most importantly, each child is an individual. Children have varying rates of development, different interests, and come from a variety of family and cultural backgrounds. Therefore, you will need to provide varied and flexible activities for each age group. This allows children to do things in ways they find challenging and interesting.

Sometimes the guidebook uses the term "best practices" to describe developmentally appropriate practices that are suggested but not required by DSHS.

Home or Family Home

"Home" or "family home" means a family child care home. Practically speaking, persons providing family home child care use their family residence.

Before 1991, family homes caring for 12 children were called mini-centers. They had a separate set of licensing requirements. In the revised WAC, DSHS consid-



Chapter 1.

FAMILY CHILD CARE LICENSING BASICS

ers family home child care as all child care done in homes for 12 children or less. The regulations for nonresidential mini-centers have not changed.

Licensee, Provider, You

The WAC usually refer to the licensee. The guidebook more frequently uses the terms “provider” or “you.” The person licensed as a family home provider is the primary caregiver in the home.

Licensors, DSHS, We

The guidebook uses these terms interchangeably. They refer to the Washington State Department of Social and Health Services (DSHS) and its family home licensors.

MLR

MLR means minimum licensing requirements. This is another way of referring to the Family Child Care Home WAC.

Must versus Should versus Might

The guidebook is interpretive, not regulatory. To avoid confusing the reader about requirements and suggestions, we have tried to choose our words carefully.

Some of the points made in the guidebook are restatements of the legal requirements in the WAC. These points are often written using the words “must,” “have to,” or “are required to.” In a list, required actions are shown with a star (*).

Other points made in the guidebook are best practice suggestions. These practices contribute much to the quality of the care you offer, although WAC does not require them. They are noted by the use of the terms “should” or “best practices.”

Finally, many of the points made in the guidebook offer:

- (1) Policies and procedures some homes have found useful.
- (2) Alternative ways to meet a requirement.

The optional nature of these suggestions is shown by words such as “might,” “could,” “might consider,” or “may want to.”

Sometimes the guidebook uses a round bullet (•) in lists to show items that are suggested rather than required. Suggestions are sometimes found set off from the main text in their own “suggestion box.” Suggestions can be found by the icon indicated below.



“suggestion box.”

Parent

“Parent” means the child’s primary custodian away from the child care home. We recognize the parent may be single, married, unmarried, male, female, stepparent, grandparent, foster parent, or guardian.

School-Age Children

School-age child care means care for the school-age child before and after school. Children present in the home through the age of 11 count toward the home's capacity. This includes your own children when they are at home.

School-age children usually do not go to school during the summer or other vacation periods. You need to plan carefully so you can continue to meet capacity limits during these periods.

Record, Documentation, In Writing

In some places the WAC requires the provider to "record" certain events. In others it requires "documentation" of events. In still others it requires that certain information be "in writing."

These all mean essentially the same thing. Required policies, procedures, and practices need to be in writing, on file, and in the home. Documents that prove a certain action was taken should be signed by the appropriate person (such as you, the parent, or your licensor) and dated.

In fact, for your own protection it is wise to keep dated notes on all significant events, such as accidents, illnesses, or giving medications.

You and the licensor can make joint arrangements allowing for alternative record keeping methods, such as records in a language other than English.

Resource and Referral

Resource and Referral means a state-wide network of referral agencies. These agencies are often mentioned as a source of information in the guidebook. Your local agency provides child care support services for parents and providers. There are Resource and Referral agencies in most areas of the state. (See the Resource section for the address and phone number of your local R & R agency). Services provided by these agencies vary, but among the services offered are:

- Maintaining referral lists of licensed child care providers in the community.
- Providing parents with referrals to licensed child care available in their area.
- Providing training for child care providers and parents.
- Maintaining a resource library of local training opportunities, persons, and agencies offering various child services, etc.
- Identifying areas where child care need is great.
- Providing support services for employer-based child care.
- Distributing newsletters, providing meeting space, maintaining a lending library for providers.

RCW MEANS
THE REVISED
CODE OF
WASHINGTON.

WAC MEANS
THE
WASHINGTON
ADMINISTRATIVE
CODE.

RCW

RCW means the Revised Code of Washington. RCW are the laws passed by the Washington State Legislature and signed by the Governor. The guidebook includes RCW information which you might need to explain the meaning of a licensing requirement.

WAC

WAC means the Washington Administrative Code. It contains agency rules for implementing RCW. For example, Chapter 388-155 WAC (Family Child Day Care Home Licensing Requirements) was adopted by the authority of Chapter 74.15.

Persons involved with licensing, providers, consumers, and other child care professionals help DSHS write WAC. Before adopting WAC, DSHS holds community forums and formal hearings to get comments and suggestions from interested persons. Once approved, WAC has the force of law.

The guidebook alternately refers to “requirements,” “standards,” and “regulations.” All of these terms refer to policies and practices required by WAC.

Waiver

A waiver means DSHS allows you to meet a licensing requirement in some manner other than that specified in the WAC. DSHS grants a waiver only when the proposed alternative satisfies the intent of the WAC requirement.

You begin the process by sending a written request for a waiver to the licensor. In the request, you should explain:

- What you propose to do that is different from the licensing requirement.
- Why the alternative method is necessary or desirable.
- How your proposed method is safe, and developmentally appropriate, and satisfies the intent of the licensing requirement.

Your licensor reviews your waiver request and then forwards it for either approval or denial.

If DSHS approves your waiver, you must keep a copy of the waiver on file at your home. A waiver may be approved for any period of time, but not longer than your license period. When you reapply for your family home license, you must reapply for needed waivers.

In a few places, the WAC says “department-approved” alternatives to the requirement are possible. (See WAC 388-155-320). Your licensor can directly approve these alternatives.

DSHS cannot waive RCW requirements or local ordinances such as zoning and

land use requirements. Your licensor may know some local requirements, but it is your responsibility to follow local regulations or get the necessary conditional use variances.



Chapter 2. WAC 388-155-020 through 388-155-060

Who Needs a License, and Who Does the Licensing?

Do I Need a Child Care License?

The answer is “Yes,” if you provide regular care in your home for children who are not related to you. DSHS does not license some caregivers, however. Chapter 74.15.020(4) of the Revised Code of Washington (RCW) lists agencies or parties not required to seek a DSHS license. Included in the list are:

- Relatives,
- Neighbors or friends who exchange child care or provide child care on an irregular basis for each other.
- A preschool. An exempt program must enroll only preschool-age children for four hours or less a day and be primarily educational in nature.

See the RCW for a more detailed description of exempt programs. If challenged by DSHS, the home must document its right to the exemption. If you have any questions whether the care you offer requires a license, contact your local DSHS office.

YOUR LICENSOR
MAY BE ABLE
TO HELP YOU
NAVIGATE YOUR
WAY THROUGH
THE
LOCAL
REGULATIONS.



Do I Need Certification?

Homes that are exempt from licensing may request certification. A home might wish to be certified for several reasons:

- To assure parents of program quality.
- To receive external assessment and feedback on the quality of their program.
- To be eligible to participate in one of DSHS’s child care reimbursement programs or the USDA child nutrition program.

The procedures for certifying a home are the same as those for licensed homes. The annual fee is also the same.

Local Zoning Ordinances and Codes

You need to work with the local authorities to see that you meet local regulations. Land use and zoning regulations are usually city ordinances or county codes. They are often enforced by the local building department. Local zoning regulations may regulate such things as:

- The location of small businesses like child care homes in a particular neighborhood.
- The amount of outdoor space required for each child.
- Requirements for a specific type of fence.
- Placement and type of business signs allowed.
- Number of parking spaces required.

Chapter 3.

FAMILY CHILD CARE LICENSING BASICS

Your licensor may be able to help you navigate your way through the local regulations. Be aware, however, that your child care license from DSHS is based on state regulations. For example, the number of children you can legally care for may be lower than DSHS capacity because of local outdoor space requirements. You can be prosecuted or fined by local authorities for failing to meet local ordinances. This is another reason to develop good lines of communication with your local building, zoning, and land use person.

State Child Care Subsidy Programs

Licensed homes are eligible to enroll children whose child care expenses will be state-subsidized. Under subsidy programs, help is given to low-income and at-risk families actively working toward self-sufficiency. DSHS encourages providers to consider providing care for state-subsidized children as a service to the community and the families. There are a variety of state programs (see Resource section). Ask your licensor for details.

USDA Child Nutrition Program

All licensed child care homes are also eligible to participate in the USDA food subsidy program. This program reimburses family home providers for foods served in the home. You can get program details in your licensing orientation session or from Resource and Referral.



Dual Licenses

A person wishing to provide multiple types of care must obtain a waiver and separate licenses. For example, you could be licensed as both a foster home and a family child care home. You would need to demonstrate that the different types of care do not interfere with one another. DSHS will decide if a dual license is appropriate.

Chapter 3. WAC 388-155-070 and 388-155-080

Application and Reapplication for a License “Do I Really Want to Do This?”

Personal Assessment

Providing child care in your home has several advantages, among them:

- You can be your own boss— setting your own hours, choosing your own vacation schedule, setting your own fees.
- You can work while also taking care of your own children.
- You’re able to work in your own home.

However, starting any business is a serious undertaking, and offering professional child care in your home is not a step to be taken lightly. Among the things you should consider before proceeding are:

Finances. Are you able to meet set-up costs? How much of an income do you need from the business? How long can you wait for the business to turn a profit? Are you eligible for a loan?

Experience. How much do you know about child care and developmentally appropriate practices? How much experience do you have running a business? Are you prepared to be nutritionist, nurse, business person, therapist, janitor, and playmate?

Personality. Are you good with people? Do you like children? Are you able to accept responsibility and meet deadlines? Are you flexible? Do you handle stress well? Are you physically and emotionally healthy? Are you organized?

Determination. Are you willing to work long hours? Is your family willing to share their home with your business and other people's children? Are you prepared to spend most of your day, every day, isolated from other adults?

Site Assessment

In evaluating how suitable your home is for child care, there are many factors to consider. For example:

- Is your home safe? Are fire, police, and health services accessible?
- Is a conditional use permit needed in your neighborhood to operate a child care business in your home?
- Does your landlord allow child care?
- Does your home have the inside spaces to offer the kind of care you want? Does it have adequate kitchen facilities, toilets, and sinks?
- Do the spaces you plan to use for child care meet building, health, fire, and child care regulations? If not, could you bring them up to code easily?
- Is enough outside play space available? Is it fenced? If not, is an approved playground nearby?



Unfavorable answers to any of the above items can increase the difficulty of getting licensed or start-up costs perhaps to the point you want to reconsider.

You might want advice to help you decide whether your home meets licensing requirements. Possibilities:

- The orientation sessions given by licensors for new providers are an excellent place to get questions and concerns answered. You are required to attend orientation sessions as part of the licensing process.
- You can consult with other providers in your area or your local provider association. They have learned from experience the answers to many of the questions you might have.
- If you have specific questions, a licensor, Resource and Referral, or your local health and fire departments can give you advice over the phone.

A GOOD RULE OF
THUMB IS TO PLAN
FOR LESS THAN
FULL CAPACITY
THE FIRST YEAR
OF OPERATION.



You may find that your neighbors have some concerns about a child care home operating in the neighborhood. They may worry about parking or traffic, increased noise, children running around unsupervised, or property values.

You may be able to avoid headaches by talking with your neighbors ahead of time. Reassure them you will continue to be a good neighbor and that you take their concerns seriously. Encourage them to come to you whenever they have a problem or concern about your business. Pass along to parents the importance of being considerate of your neighbors.

Business Assessment

Each year, half of small businesses fail. (Luckily, new businesses are usually ready to rush in and take their place!). In the interests of helping you succeed, here are a few things you may want to keep in mind. We offer them, not to discourage you from offering care, but to help you proceed with as few surprises as possible. For additional free advice, contact your local Business Assistance Center (see Reference section).

Doing Your Homework

It pays to check how much demand for child care there is in your area, types of care most needed, and typical rates charged. Good sources for this information are other providers in your area and Resource and Referral. You might also talk to major local employers and schools and churches for their thoughts on needed kinds of care.

Setup Costs

You will probably be buying some equipment, materials, and supplies to get your home set up for care. Renovations can be a major expense, if they are needed to meet licensing requirements or your own standards.

If getting started included a startup loan, your monthly budget should at least include interest payments on the loan.

Projection of Income from Fees

Rarely do homes reach capacity their first year. Even when you are at “full” capacity you cannot multiply your monthly fees by your capacity times twelve months. You might have:

- Temporary vacancies.
- Discounts for families with more than one child in your home.
- Uncollectible debts.
- Fee reductions for months when families are on vacation.
- A drop in enrollment during the summer.
- A vacation for yourself.

A good rule of thumb is to plan for less than full capacity the first year of operation.



In setting up your first year operating budget, a good question to ask yourself is:

“If I don’t get the number of children I wish to care for during the first six months, do we have enough money in our family budget to keep the business going?”

However, you can often start your business with fewer children and with equipment and supplies you have on hand. You can add equipment, supplies and children as you have the income to do so.

Self-Employment Taxes and Staff Costs

If you hire an assistant, you will pay more than his or her salary. For example, you should consider:

- Taxes. First-time employers may not be familiar with unemployment insurance or workmen’s compensation rates, but you soon find out. You might also be unaware that FICA deposits you make for social security are twice the amount you withhold from your assistant’s paycheck. You must also deposit self-employment taxes for yourself (which is

CONSIDER THAT THE NORMAL “LIFE EXPECTANCY” OF YOUR HOME’S VACUUM CLEANER, CARPETS, ETC., WILL BE SHORTENED BY OFFERING HOME CARE.

comparable to a self-employed person's Social Security). You deposit most taxes on a quarterly rather than a monthly basis. So, you might be lulled into a false sense of security by how much money you have in the bank after depositing your June fees. Come July, you must pay. Be aware, also, that the Internal Revenue Service (IRS) requires you to make quarterly estimated tax deposits on your self-employment income. These are comparable to the money you withhold from your assistant's paycheck for income tax and social security.

- While you are having a paid "absence" such as vacation or sick leave, you might be paying a substitute.
- Fringe benefits such as health insurance. A rule of thumb for employee expenses, not counting substitute costs, is to add 15 percent to the base salaries being paid.
- Labor and Industries insurance for employees (1-800-547-8367).

Maintenance and Insurance Costs

Don't think that once you buy something it lasts forever. Consider that the normal "life expectancy" of your home's vacuum cleaner, carpets, etc., will be shortened by offering home care.



One "plus" of home care is you can charge a percentage of the expenses of your home to your business. That includes, of course, a portion of your house payments and utility bills. Also figure at some point the roof will leak, the furnace will need repair, the house will need painting, etc. A portion of all of these repairs are legitimate business expenses.

Your local provider association or personal accountant can help you set up your books. You need to make sure you are not overlooking indirect costs you can count as business expenses.

Family home providers are not required to have liability insurance. However, it is **STRONGLY** recommended, for your own protection. Liability insurance for child care is expensive, but your agent can arrange monthly payments. It pays to shop around for prices, or get your insurance through a child care organization's cooperative plan. Also be aware that you may need to increase your auto liability insurance coverage if you use your car to regularly transport children.

Check with providers in your area to get a sense of what they budget for maintenance, utilities, and insurance.

Timeline for Opening Your Home

You need to allow enough time because there are many steps involved in opening a home. You are wise to begin four to six months before your planned opening date. Fortunately, there are places to contact for information regarding local, state, and federal requirements you must meet. (See Reference section.)

Every home is different. The following will only roughly describe the process you will or did meet in starting your home. Some steps take longer than expected. Some do not apply to your home.

First Stage

6 - 9 Months Prior to Opening

- Contact agencies that may answer questions you have about how to start a business, state and local child care regulations, local child care needs, etc. Explain what you are thinking of doing. Most information is free and will be promptly sent to you.
- Visit other licensed home providers in your area. See how they have included child care in their homes. Make sure you have a realistic sense of what child care involves.
- Attend the first of the DSHS licensing orientation sessions. You will get a lot of useful information to help you decide whether to proceed. Come ready to ask questions. Decide whether opening your home to child care is really something you want to do.

**MAKE SURE YOU
HAVE A REALISTIC
SENSE OF WHAT
CHILD CARE
INVOLVES.**



Orientation Sessions

The licensors in each region of the state offer orientation sessions to new and current providers. The orientation session is required. In this session you:

- Are introduced to the state licensing requirements for family child care homes.
- Are given specific suggestions about how to set up your home for child care.
- Are given sample forms you can use in preparing your license application, bookkeeping advice, and other helpful suggestions, handouts, and checklists.
- Begin to establish a relaxed, personal relationship with your licensor, who will probably be your “primary care giver” throughout the licensing process.
- Decide what age groups you want to serve.
- Consider which parts of your home you might use for care and if remodeling may be necessary.
- Start to develop a budget. Look at both start-up and operating costs.

**BEGIN TO ESTABLISH
A RELAXED,
PERSONAL RELATION-
SHIP WITH YOUR
LICENSOR, WHO WILL
PROBABLY BE YOUR
"PRIMARY CARE
GIVER" THROUGHOUT
THE LICENSING
PROCESS.**



Second Stage

3 - 4 Months Prior to Opening

- Get information and forms for all federal, state, and local taxes and licenses. Fill them out and file them with the appropriate agencies.

Federal. You can request a “Business Tax Kit” from your local IRS office. This kit gives you all the information and forms you need so you can arrange for the following:

- Employer identification number.
- Federal income tax withholding, self-employment taxes, and estimated tax deposits.
- Social security tax (FICA).
- Federal unemployment tax (FUTA).

State. The state of Washington provides one-step business registration. By contacting the Department of Licensing you can receive a Master Business License kit. This kit gives you all the information and forms you need so you can arrange for the following:

- State tax registration number.
- Unemployment insurance tax (regulated by the Employment Security Department).
- Industrial insurance (regulated by the Department of Labor and Industries).

Local. Local business requirements vary across the state. You may need a city business license. Inquire at your city clerk’s office. You may need a special zoning, or conditional use permit to offer child care in your home. Inquire at your local planning department.

- Begin renovations, if necessary.
- Complete as much of your child care licensing application as possible.
- Begin to make or buy furniture, materials, and equipment.
- Advertise in your community that a licensed family child care in the area will soon have openings.

Advertising Your Home

- Let other homes and centers in your area know you are opening. They may refer parents to you if they are full or do not serve the age group of a particular child.
- Ask your friends and neighbors to spread the word!



Once you're licensed and open, your local Resource and Referral can refer parents to you. Over time, word of mouth and a reputation for quality care will be your best advertisement.

Third Stage

3 Months Prior to Opening

- Submit your child care license application to DSHS. You must submit it at least 90 days before you hope to start home child care. The 90 days starts when DSHS receives your check for the first year's license. The licensing fee is twenty-four dollars (\$24) per year.
- Some information in your application may be incomplete at the time of application. For example, you may not have finished writing your parent information handouts.
- If you are planning to hire an assistant, begin advertising for and interviewing applicants.
- Your licensor will contact you to arrange times to inspect your home. A representative from the state fire marshal's office may inspect your home, depending on the number of children you will care for.
- DSHS licensors will contact references. The people you list as references should be able to discuss your ability to provide child care. Licensors will contact your references directly. Licensors will also look through any written references you give them, but these are not required.
- Submit written documentation of your early childhood training and experience if you are seeking a license for more than minimum capacity. Also submit criminal background and history forms for yourself, your assistant if you have one, and any family members over age 16 who will have access to the children in care.

Fourth Stage

0 - 2 Months Prior to Opening

- Double-check with your licensor to make sure you have taken care of all necessary details.
- Train assistant and volunteers.
- Enroll children.



Keep in mind that everyone wants a license between July and early September. These months are the busiest ones for licensors. The full 90 days will likely be needed to process your application. Calling on August 10 and hoping to open the beginning of September is not a good bet.

The licensing process is a step-by-step procedure. Be patient. Give yourself plenty of time. Don't lose heart!

The License

DSHS determines the maximum number and ages of children who can be present in your home at any one time, taking into account:

- (1) The ages and characteristics of the children you will be caring for, including your own children up through age 11.
- (2) Your experience and training.
- (3) Your useable floor space and supply of toys and equipment.
- (4) Whether you have an assistant.

Either you or your licensor may decide to have the license issued for fewer children than the maximum number allowed. For example, you may be planning to start slow, caring for only a few children. In that case, you may not want to purchase the toys, equipment, sleeping mats, etc., needed for the maximum number.

“Capacity” refers to how many children are present at any given time on any given day. You might enroll more children than your licensed capacity if, for example:

- Some children do not attend on the same days or at the same time of day.
- You expect a certain number of absences on any given day.

You are responsible, however, for regulating the flow of attendance so your home always remains within the capacity shown on your license.

Reapplication for License

Homes are relicensed every three years. You must submit a renewal application at least 90 days before the current license expires. License renewal involves many of the same steps as a new application. You will need to resubmit any waivers granted during the prior licensing period. Their validity will be reassessed.

If you are moving to a new house, you must apply for a new child care license, even if the three-year licensing period has not expired. You should submit a revised application at least 90 days before you move, if possible.

THE LICENSING
PROCESS IS A STEP-
BY-STEP PROCEDURE.
BE PATIENT. GIVE
YOURSELF PLENTY OF
TIME. DON'T LOSE
HEART!



Chapter 4. WAC 388-155-090

License Denial, Suspension, or Revocation

Not everyone who applies for a child care license receives one. At the same time, because DSHS is committed to increasing of affordable licensed child care available in our state, licensors inspect family child care homes to help you meet minimum child care requirements. Feel free to consult with your licensor. They can help you problem solve and suggest community resources to aid you in meeting requirements.

Your licensor's goal is to help you maintain and improve the quality of care at your home. Your license cannot be suspended or revoked without due process. Except in the most extreme cases affecting the health or safety of the children, the licensor will give specific ways to correct the deficiencies. DSHS will take legal action only if a licensee cannot or will not meet licensing regulations.

Reasons for Denying, Suspending, or Revoking a License

Some incidents are serious enough that a single occurrence requires termination or denial of a license. These incidents are noted by the use of the word “must” in the examples listed in WAC 388-155-090(2). In other situations that may require suspending or revoking a license, the licensor can take the circumstances into account. These situations are noted by the use of the word “may” in the WAC 388-155-090(3). In these cases, the licensor will decide if the incident is serious enough to begin suspension or revocation proceedings. In some cases, the provider will need to take positive steps to see that the condition does not happen again. Repeated problems in the same areas are not acceptable. For a description of the criminal history and background check process, see Chapter 35, Personnel Records. That chapter also describes what specific criminal offenses disqualify a person from being licensed, working in a licensed home, or having access to the children in a licensed home. Be aware that the criminal record of your spouse and children affects whether you can be licensed, if they have access to the children.

RCW Dealing with License Denial, Suspension, or Revocation

WAC 388-155-090 refers to two sections of the Revised Code of Washington (RCW):

- (1) Chapter 43.20A RCW, which describes the rules and procedures governing DSHS.
- (2) Chapter 74.15 RCW, which describes the rules and procedures governing state agencies responsible for children (including DSHS).

Your licensing application materials include copies of these RCW. The family child care home WAC contains details about application, renewal, and suspension procedures.

The RCW provides more detail about how DSHS responds if a provider cannot or will not meet licensing requirements. Chapter 74.15 RCW states:

- DSHS notifies the licensee in writing of DSHS’s decision to suspend, revoke, or deny a license. Notification is sent by certified mail. The notice states the reasons why action is being taken, and gives details on how to appeal to the Office of Hearings.
- The licensee has 28 days after receiving notification to request a hearing. The request must be in writing, by certified mail, and must detail the grounds for contesting DSHS’s decision.
- Except for summary suspensions or revocations, the home may usually remain open for business during the hearing process.
- The Office of Hearings sets a hearing date when it receives a request for a hearing. If the Office of Hearings does not receive a written request for hearing, DSHS’s decision becomes effective.
- At the hearing, a lawyer from the state Attorney General’s Office will represent the licensor. The licensee may also be represented by a lawyer.
- Following a hearing, the Administrative Law Judge usually issues a decision within 30 days.

In some cases, if the licensee meets the licensing requirement before the deadline for requesting a hearing, the hearing process is suspended.

RCW 43.20A.205 adds that DSHS can take immediate action if there is immediate danger to the well-being of the children if child care continues. In these extreme cases, DSHS can invoke a “summary revocation” or “summary suspension” of the home’s license, and child care must stop immediately. A licensor will not take this step without first consulting with the Assistant Attorney General. The licensee has the right to appeal this action.





DSHS 22-849(x) (Rev. 8/01)